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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,355	10/20/2000	Pallavi Shah	843161-165	7938
7590	01/09/2006		EXAMINER	
B Noel Kivlin MEYERTONS HOOD KIVLIN KOWERT & GOETZEL PC P O Box 398 Austin, TX 78767-0398			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/693,355	SHAH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramsey Refai	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 October 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,6-15,19-28 and 32-46 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,6-15,19-28 and 32-46 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

Responsive to Request for Continued Examination (RCE) received on October 19, 2005. Claims 1, 14, and 27 have been amended. Claims 5, 18, and 31 have been canceled. Claims 41-46 have been added. Claims 1-2, 6-15, 19-28, and 32-46 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 1-2, 6-15, 19-28, and 32-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1 recites the limitations " said actors" in line 4, "the peer actors" in line 10, and "each peer actor" in line 13. Claim 14 recites the limitations "said actors" in line 8, "the peer actors" in line 15, and "each peer actor" in line 17. Claim 27 recites the limitations "each actor" in line 4, "the peer actors" in line 17, and "each peer actor" in line 20. *There is insufficient antecedent basis for these limitations in the claims.*

- b. Claims 41, 43, and 45 are rendered vague and indefinite due to the use of the vague limitation *-a common goal-*. Clarification is respectfully requested.

- c. Claims 2, 6-13, 15, 19-26, 28, and 42, 44, 46 depend on the above indefinite claims, therefore are rejected under the same rationale.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 6-7, 9-15, 19-20, 22-25, 27-28, 32-33, and 35-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al (U.S. Patent No. 6,604,127).

5. As per claims 1, 14, and 27, Murphy et al teach a computer system, a computer program, and product, respectively, comprising:

generating one or more actors on a server, wherein each actor is a functional component of a distributed application (**column 2, lines 25-34, column 5, lines 18-40**);  
linking said actors in a first hierarchical tree (**column 7, lines 15-42**);  
generating a dataset corresponding to a second hierarchical tree, wherein the second hierarchical tree is a subset of said the first hierarchical tree (**column 2, lines 44-47, column 7, line 15-column 8, line 65**);  
sending said dataset to a client (**column 2, lines 44-47**); and  
replicating the second hierarchical tree in said client using said dataset; wherein said replicating comprises generating one or more peer actors on the client, and wherein the peer actors comprise executable code for performing tasks that are in addition to tasks performed by the one or more actors on the server (**column 8, line 30-column 11, line 55**);

providing a communication link between each peer actor of the replicated second hierarchical tree and corresponding actor of the second hierarchical tree on the server (**column 7, lines 39-42**).

6. As per claim 2, 15, and 28, Murphy et al teach wherein each node in said first hierarchical tree comprises a source actor; wherein each node in the replicated second hierarchical tree comprises a member actor: and wherein each member actor corresponds to a respective source actor (**column 8, line 30-column 11, line 55, column 2, lines 44-47, column 7, line 15-column 8, line 65**).

7. As per claims 6, 19, and 32, Murphy et al each said actor comprises a tree of hierarchically linked nodes, said nodes comprising one or more objects (**column 6, lines 24-35**).

8. As per claims 7, 20, and 33, Murphy et al teach said nodes further comprise one or more nested actors (**column 7, lines 15-42, column 5, lines 18-40**).

9. As per claims 9, 22, and 35, Murphy et al teach said generating a dataset comprises: obtaining inclusion criteria from one or more parameter sets; traversing said first hierarchical tree to determine nodes of said first hierarchical tree that comply with said inclusion criteria obtaining a pre-initialized object for each of said nodes that comply with said inclusion criteria; generating a client graph comprising said pre-initialized objects (**column 8, line 30-column 11, line 55**).

10. As per claims 10, 23, and 36, Murphy et al teach said traversing said first hierarchical tree is on a node-by-node basis starting from the root node and proceeding through all the leaf nodes (**column 7, lines 15-60**).

11. As per claims 11, 24, and 37, Murphy et al teach said dataset is indicative of the full client graph (**column 8, line 30-column 11, line 55**).

12. As per claims 12, 25, and 38, Murphy et al teach said dataset comprises a subgraph for updating the replicated second hierarchical tree of said client (**column 2, lines 40-67**)

13. As per claims 13 and 39, Murphy et al teach said pre-initialized object comprises methods and attributes for construction and initialization of said client graph (**column 7, lines 43-60**).

14. As per claim 40, Murphy et al teach an apparatus comprising:  
generating one or more actors on a server, wherein each actor is a functional component of a distributed application (**column 2, lines 25-34, column 5, lines 18-40**);  
linking said actors in a first hierarchical tree (**column 7, lines 15-42**);  
generating a dataset corresponding to a second hierarchical tree, wherein the second hierarchical tree is a subset of said the first hierarchical tree (**column 2, lines 44-47, column 7, line 15-column 8, line 65**);  
sending said dataset to a client (**column 2, lines 44-47**); and  
replicating the second hierarchical tree in said client using said dataset (**column 8, line 30-column 11, line 55**).

15. As per claims, 41, 43, and 45, Murphy et al teach wherein a combination of the executable code of the member actor and executable code of the source actors is directed toward achieving a common goal (**abstract, column 8, line 30-column 11, line 55**).

16. As per claims 42, 44, and 46, Murphy et al teach wherein the common goal comprises rendering a scene (**column 5, lines 8-62**).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 8, 21, 26, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,604,127) in view of Follendore, III (U.S. Patent No. 5,369,707).

19. As per claims 8, 21, and 34, Murphy et al teach the use of a secure communication network.

20. However, Follendore, III teaches the use of a secure network to ensure the security of messages communicated on a network (abstract). It would have been obvious to one of the ordinary skill in the time at the time of the applicant's invention to combine the teachings of Murphy et al and Follendore, III because Follendore, III's use of a secure network in Murphy et al 's method would insure that the proper network tree representation is sent to a designated client and has not been altered and to also insure that such information is only viewed by the designated client.

21. As per claim 26, Murphy et al teach said pre-initialized object comprises methods and attributes for construction and initialization of said client graph (**column 7, lines 43-60**).

***Response to Arguments***

22. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2152

RR  
January 4, 2006



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER